

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHELLE YVONNE WOOD,

Plaintiff,

v.

WHOLE FOODS,

Defendant.

Case No. 22-cv-05651-JD

**ORDER RE IFP STATUS AND
DISMISSAL**

Pro se plaintiff Michelle Yvonne Wood filed a complaint and an application for leave to proceed in forma pauperis (IFP). Dkt. Nos. 1, 2. The IFP application is granted, and the case is dismissed.

IFP requests are evaluated under 28 U.S.C. § 1915. The first question is whether the plaintiff's financial status excuses payment of the court's filing fees. The answer is yes. Wood states that she is unemployed, and pays monthly expenses of approximately \$1,080 out of a monthly Social Security benefit of \$1,000 and monthly EBT food stamps of \$200, which are her sole sources of income. Dkt. No. 2. Wood meets the financial qualifications for IFP status.

The next question is whether the complaint is sufficient to stand, and the answer is no. The Court may "at any time" dismiss an IFP complaint that fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(3)(B). The standard is the same as under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). As a pro se plaintiff, Wood "gets a liberal construction of [her] complaint and the benefit of any doubts, but [she] still must satisfy the requirements of Rule 8 and state facts sufficient to allege a plausible claim." *Nordin v. Scott*, No. 3:21-cv-04717-JD, 2021 WL 4710697, at *1 (N.D. Cal. Oct. 8, 2021).

1 The complaint is entirely implausible. Wood alleges a claim for “animal slavery” under
2 the 13th Amendment of the United States Constitution, and asks for an order barring the Whole
3 Foods grocery chain from selling meat and dairy products. *See* Dkt. No. 1. Such claims are not
4 cognizable.

5 While it is the Court’s practice to liberally grant amendment, there is nothing Wood can
6 say that might make the 13th Amendment claim plausible. Consequently, the case is dismissed
7 with prejudice.

8 **IT IS SO ORDERED.**

9 Dated: October 7, 2022

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14 JAMES DONATO
15 United States District Judge
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United States District Court
Northern District of California